

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

1440 NEW YORK AVENUE, N.W.  
WASHINGTON, D.C. 20005-2111

TEL: (202) 371-7000

FAX: (202) 393-5760

www.skadden.com

DIRECT DIAL  
202-371-7596  
DIRECT FAX  
202-661-0596  
EMAIL ADDRESS  
JONATHAN.MARCUS@SKADDEN.COM

FIRM/AFFILIATE OFFICES

BOSTON  
CHICAGO  
HOUSTON  
LOS ANGELES  
NEW YORK  
PALO ALTO  
WILMINGTON

BEIJING  
BRUSSELS  
FRANKFURT  
HONG KONG  
LONDON  
MOSCOW  
MUNICH  
PARIS  
SÃO PAULO  
SEOUL  
SHANGHAI  
SINGAPORE  
TOKYO  
TORONTO

May 5, 2020

**BY ECF**

Hon. Lewis J. Liman  
United States District Judge  
Southern District of New York  
40 Foley Square, Room 2101  
New York, New York 10007

RE: *In re: Merrill, BofA, and Morgan Stanley  
Spoofing Litigation, No. 19-cv-06002 (LJL)*

We represent Morgan Stanley & Co. LLC (“Morgan Stanley”) in the above-referenced action.<sup>1</sup> We write, with the consent of all parties, to respectfully advise the Court of the parties’ agreement concerning the briefs to be filed in connection with Defendants’ forthcoming motions to dismiss (the “Motions to Dismiss”) the First Amended Complaint (ECF No. 51).

The parties have agreed that Defendants shall address issues common to the group in a joint brief filed by the Bank Defendants not to exceed 25 pages. The opposition and reply to the joint brief will stay within 25 pages for the opposition and 10 pages for the reply.

Morgan Stanley and Messrs. Bases and Pacilio will raise non-redundant Defendant-specific arguments in support of the Motions to Dismiss, in individual

---

<sup>1</sup> The Defendants in this action are Merrill Lynch Commodities, Inc. (“MLCI”), Bank of America Corporation (“BAC”), Morgan Stanley (together with MLCI and BAC, the “Bank Defendants”), Edward Bases, and John Pacilio.

Hon. Lewis J. Liman  
May 5, 2020  
Page 2

briefs not to exceed 12 pages per brief, and opposition briefs with respect to these filings will also be 12 pages, with 6 pages for reply briefs.

Pursuant to the agreed schedule so-ordered on February 3, 2020 (ECF No. 45), the Motions to Dismiss are due on May 8, 2020, opposition briefs are due on July 7, 2020, and reply briefs are due on August 6, 2020.

Respectfully submitted,

/s/ Jonathan L. Marcus

Jonathan L. Marcus

cc: Counsel of Record